

Application No.: 10/804677
Docket No.: CL2346USNA

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REMARKS

Claims 1-32 are pending in the case. The claims are made subject to a requirement to restrict. The Examiner has taken the position that the case contains 22 independent and distinct inventions. In relevant part the Examiner finds that invention VII, comprising claims 6, 14, 16, 20 completely and 17, 18, 21 and 22 in part are drawn to SEQ ID NO:18, hosts transformed with the same and methods of using SEQ ID NO:18 classified in class 536, subclass 23.2.

Election of claims is required under 37 CFR 1.143. Accordingly Applicants hereby elect Group VII encompassing Claims 6, 14, 16, 20 completely and 17, 18, 21 and 22 in part with traverse.

Applicants strongly suggest that Claims 23-26 (in part) should properly be considered in Group VII as they depend from claim 20 and are neither independent nor distinct from the other claims in Group VII.

As some of the non-elected Claims are drawn to processes and products which either depend from or contain all the limitations of the elected product claims and thus are subject to possible rejoinder upon allowance of the product claims under 37 CFR 1.104, Applicants have not canceled any claims and reserve the right to have these claims examined upon allowance of the product claims from which they depend.

The Claims have been amended to more clearly define Applicant's invention and to remove reference to non-elected subject matter.

The above Election of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

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Dated: January 11, 2005